

CITY OF FAIRFIELD

ORDINANCE NO. 97-1

AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF FAIRFIELD ADDING SECTION 2.13.2 TO
CHAPTER 2 OF THE FAIRFIELD CITY CODE ESTABLISHING A
VOLUNTARY CAMPAIGN EXPENDITURE CEILING FOR ELECTIONS TO CITY OFFICES

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1: The California Political Reform Act of 1996 passed by the voters as Proposition 208 on November 5, 1996, permits cities to establish voluntary expenditure ceilings for candidates for elective office and the controlled committees of such candidates. Pursuant to California Government Code section 85400(c), effective January 1, 1997, such a local voluntary expenditure ceiling may be established in any amount not to exceed one dollar (\$1.00) per resident of the jurisdiction.

SECTION 2: Section 2.13.2 is hereby added to Article III., Chapter 2, of the Fairfield Municipal Code to read as follows:

Sec. 2.13.2 Election Campaigns; Voluntary Expenditure Ceiling.

A. Pursuant to Government Code section 85400(c), a voluntary expenditure ceiling is hereby established for each election to City elective office in an amount equal to twenty cents (\$.20) per resident of the City of Fairfield. As used in this section, the term "City elective office" shall mean the offices of Member of the City Council and Mayor.

B. The City Council shall determine the number of residents in the City for the purposes of this section by resolution adopted not less than seven (7) months prior to each regular City election.

C. Prior to accepting any contributions, each candidate for City elective office shall file with the City Clerk a statement of acceptance or rejection of the voluntary expenditure ceiling established herein.

D. No candidate for City elective office who accepts the voluntary expenditure ceiling established herein and no controlled campaign committee of such a candidate shall make campaign expenditures cumulatively in excess of the voluntary expenditure ceiling established herein.

E. Each candidate who rejects the voluntary expenditure ceiling established herein shall be subject to the contribution limit set forth in Government Code section 85301, as the same may be amended from time to time.

F. Each candidate who accepts the voluntary expenditure ceiling established herein shall be subject to the contribution limit set forth in Government Code section 85402, and not the contribution limit set forth in Government Code section 85301, as either section may be amended from time to time. In addition, as to each such candidate the City Clerk shall provide notification to voters that the candidate has accepted the voluntary expenditure ceiling established herein, as required by Government Code section 85602 and any applicable regulations.

G. Except as provided herein, the provisions of the California Political Reform Acts of 1974 and 1996, Government Code sections 81000 et seq. (collectively "the Acts"), and applicable regulations adopted pursuant thereto, as the same may be amended from time to time, shall govern the interpretation and application of this section.

H. The penalties and remedies for violations of this section shall be those set forth in the Acts.

SECTION 3: The City Council finds that it is necessary for the preservation of the public peace, health and safety that this ordinance take effect on or before March 1, 1997 to give full effect to its provisions and to avoid conflict with the provisions of Proposition 208, "The California Political Reform Act of 1996," which was approved by the voters on November 5, 1996 and which takes effect on January 1, 1997. Proposition 208 establishes a system of contribution limits to take effect January 1, 1997, the level of which will be affected by the adoption of this ordinance. Such limits, and this ordinance, will apply to City elections to be held on November 5, 1997. Significant administrative and criminal penalties may be imposed for violations of such limits. It is necessary that this ordinance take effect on or before March 1, 1997 to prevent confusion and ambiguity in the enforcement and application of this ordinance and Proposition 208, and to allow the will of the voters to be fully implemented at the November 5, 1997 City election. Therefore, this ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared. This ordinance shall take effect immediately upon its adoption.

SECTION 4: This ordinance shall be printed and published once in the Daily Republic, a newspaper of general circulation printed and published in the City of Fairfield.

SECTION 5: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

PASSED AND ADOPTED this eighteenth day of February, 1997, by the following
vote:

AYES: Councilmembers LESSLER/MacMILLAN/O'REGAN/PETTYGROVE/HAMMOND

NOES: Councilmembers Hammond

ABSENT: Councilmembers None

ABSTAIN: Councilmembers None

(d)(5)

MAYOR

ATTEST:

(d)(5)

CITY CLERK

City Attorney